

RECOGNITION OF REPRESENTATIVES OF FEDERAL EMPLOYEE ORGANIZATIONS IN GRIEVANCE PROCEDURES

JUNE 25, 1952.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. KARSTEN of Missouri, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany H. R. 554]

The Committee on Post Office and Civil Service, to whom was referred the bill (H. R. 554) to amend section 6 of the act of August 24, 1912, as amended, with respect to the recognition of organizations of postal and Federal employees, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu the following:

That section 6 of the Act of August 24, 1912 (U. S. C., 1946 edition, title 5, sec. 652), as amended, is hereby amended by adding a new subsection to read as follows:

“(e) (1) The right of officers or representatives of employee organizations representing employees of a department or agency or subdivision of such department or agency, to present grievances in behalf of their members without restraint, coercion, interference, intimidation, or reprisal is recognized.

“(2) Within six months after the effective date of this Act, the head of each department and agency shall, after giving officers or representatives of employee organizations having members in such department or agency an opportunity to present their views, promulgate regulations specifying that administrative officers shall at the request of officers or representatives of the employees' organizations confer, either in person or through duly designated representatives, with such officers or representatives on matters of policy affecting working conditions, safety, in-service training, labor-management cooperation, methods of adjusting grievances, appeals, granting of leave, promotions, demotions, rates of pay, and reduction in force. Such regulations shall recognize the right of such officers or representatives to carry on any lawful activity, without intimidation, coercion, interference, or reprisal.

“(3) This subsection shall not apply to the Central Intelligence Agency or the Federal Bureau of Investigation.”

The purpose of the above amendment is to insert language agreed to by the committee in lieu of language contained in the bill as introduced.

STATEMENT

As amended, the bill which this report accompanies would further amend the act of August 24, 1912 (U. S. C. 1946 ed., title 5, sec. 652) by adding a new subsection providing statutory recognition of organizations of postal and Federal employees. The bill would establish the right of employees, through their organizations, to present grievances in behalf of their members without restraint, coercion, interference, intimidation or reprisal. It would require the heads of departments and agencies to promulgate regulations specifying that administrative officers shall, upon request, confer either in person or through representatives with officers or representatives of employee organizations on matters of policy affecting working conditions, safety, in-service training, labor-management cooperation, methods of adjusting grievances, appeals, granting of leaves, promotions, demotions, rates of pay and reductions in force, and to carry on any other lawful activity.

There may be some who will question the intent of this legislation and attempt to find therein something destructive of sound governmental policy. They will profess to see ghosts and hobgoblins where none exist. While lamenting the committee action as frivolous, unnecessary and repetitive of regulations now in effect, they will in the same breath find in the bill something sinister and designed to destroy all that is good and holy. In running from one extreme to the other they will miss completely the real intent and purpose of the legislation which is to provide a means by which an orderly procedure may be set up to adjust the grievances of employees and thus eliminate the causes of friction which is destructive of efficiency.

The bill would not provide a right of such employees to strike or to engage in any activities to the detriment of efficiency or good management practices. It is in complete harmony with policies heretofore established by the Congress for the employees of private industry.

In the view of the committee, there is a special obligation on the part of both the Congress and the administrative departments and agencies to set up such machinery as may be necessary to assure civil service employees the benefits that arise from modern, sound labor-management policies.

The views of the administration are perhaps best expressed in the statement by the Honorable F. J. Lawton, Director of the Bureau of the Budget. In a letter addressed to the chairman of the committee, Mr. Lawton stated:

It is believed that these problems are overcome in the substitute language submitted to your committee by the Civil Service Commission. In matters in this area, the Bureau of the Budget regards the Civil Service Commission as having primary leadership in the executive branch. Therefore, if your committee desires to take action on this matter, the Bureau of the Budget recommends that serious consideration be given to the Commission's proposal.

The committee amendment follows the recommendation of the Civil Service Commission and the language of the amended bill is, in general, the language suggested by the Commission through its Chairman, the Honorable Robert Ramspeck.

While the bill was under consideration a question was raised as to the propriety of including the words "rates of pay and reductions in force" in section (e) (2) of the bill as reported. It cannot be too strongly emphasized that this language does not, nor is it intended to place in the hands of the agencies, by agreement with the employees or otherwise, the power to fix rates of pay which are and should be established by the Congress. Neither is it intended that this language place in the hands of the agencies, by agreement or otherwise, the power to prescribe how reductions in force shall be made. That, too, is a matter to be determined by the Congress. After the Congress has fixed rates of pay, however, the question of how such act is to be applied becomes a matter of administrative determination and there are valid reasons why employees, either as individuals or through their chosen representatives, should be allowed to confer with Bureau heads on such matters.

We need go no further than December 13 of last year to find a perfect example. On that date, the Postmaster General issued supplemental instructions with respect to Public Law 204, approved October 24, 1951. Those instructions provided in part that:

3. All employees who were converted under Public Law 428 from grade 1 to grade 3 effective November 1, 1949, are considered as having been advanced two automatic grades, and are therefore not entitled to additional grades under section 4 (a) of Public Law 204.

This ruling deprived many employees in the field postal service of benefits to which they believed themselves entitled, and they properly took steps in support of their views. These steps consisted of conferring with the Postmaster General and subsequently with the representatives of the Comptroller General with the end result that the ruling of the Post Office Department was reversed as indicated in a decision of the Comptroller General (No. B-106 954) dated January 16, 1952 from which the following is taken:

MY DEAR MR. POSTMASTER GENERAL: Reference is made to your letter of December 29, 1951, your reference 4, requesting a decision as to the correctness of the conclusion reached in an opinion by the Solicitor for the Post Office Department, which is quoted in your letter, involving the application of section 4 (a) of the act of October 24, 1951, Public Law 204, 65 Stat. 625, to a substitute clerk who received certain benefits under section 2 of the act of October 28, 1949, Public Law 428, 63 Stat. 953. There has been received, also, your letter of January 3, 1952, transmitting for consideration a statement containing the views expressed by the National Federation of Post Office Clerks regarding the application of said section 4 (a) of the referred-to act.

* * * * *

In light of the foregoing there appears required the conclusion that the substitute employee here involved, who had 1 year of service credit in grade 1 prior to his being placed in grade 3 on November 1, 1949, pursuant to section 2 (c), Public Law 428, was "advanced one automatic grade through the operation of such provisions" within the meaning of those words as used in section 4 (a), Public Law 204, and, therefore, the employee is entitled to be advanced one automatic grade under section 4 (a).

Had there been in this instance an outright denial of the opportunity for the employees to confer with the head of the department involved, a grave miscarriage of justice would have taken place.

Other examples of this sort are not difficult to find. The enactment of legislation dealing with the question of pay or reduction in force is often attended by administrative problems and determinations which require that the employee have the right to confer on matters of policy and procedure. To deny such a right deprives employees of all redress in this field.

AGENCY VIEWS

During the course of extended public hearings, representatives of many departments and agencies of the Government testified and without exception, each of them endorsed the principle of the legislation. Your committee found that there is in fact a wide latitude between the way such matters are handled in the different departments and agencies. The major effect of this legislation will be to bring about a general review of employee-management relations by the Federal departments and agencies. It will result in a uniform employer-employee policy throughout the Federal service, and assure to employees in all agencies the consideration of their views on policy matters affecting them.

In a typical report, that of the Department of Defense, it was stated that the Department—

concurs in the board objectives of H. R. 554. The three military departments have for many years recognized the right of employees to join unions and other employee organizations and have encouraged the representatives of such organizations to confer with management representatives on matters of mutual interest, such as those listed in lines 11 through 14 of H. R. 554.

The representative of the Post Office Department testified that—national officers of employee organizations are provided opportunities of conferring with administrative officers on all matters of policy affecting employees. Local officers of employee organizations are given a hearing by the postmaster or other administrative official at the local level at any time such a request is made. Free discussion of local problems is encouraged.

However, testimony of employee representatives indicated that while such regulations had been promulgated by the Postmaster General, they are often not enforced. In many instances where hearings have been requested, they have not been granted despite the fact that the regulations specifically provide that they shall be granted when in an employee's opinion, a grievance has not been satisfactorily adjusted. In testimony before the subcommittee, a case involving employees in a midwestern city was cited wherein it was definitely established that the Post Office Department made no claim that the postmaster had abided by these regulations nor did they attempt to justify his failure to do so. Testimony before the subcommittee indicates that in some agencies where regulations are in effect, providing for consultation with employees, in all too many instances such regulations are observed in the breach rather than in the performance.

RETAINS PRESENT PRIVILEGES

The committee points out that this legislation is not intended to eliminate any present privileges enjoyed by employees or employee organizations because such privileges may not be enumerated in the policy matters which are specifically set forth in the bill. The legislation does, however, assure that certain specified policy matters must be included in the labor-management policies of the various departments or agencies as appropriate subjects for conferences or discussions by the department or agency head and employee organization representatives.

HOOVER COMMISSION

In the report of the Commission on Organization of the Executive Branch of the Government (H. Doc. No. 63, 81st Cong., 1st sess.), recommendation 4 (d) provides that—

the heads of departments and agencies should be required to provide for the positive participation of employees in the formulation and improvement of Federal personnel policies and practices.

Your committee believes that the reported bill is in complete harmony with that recommendation and agrees that positive participation in the formulation and improvement of personnel policies and practices will be the inevitable result of enactment of this legislation.

The Central Intelligence Agency was exempted from the provisions of the bill for reasons outlined in their letter. For similar reasons, the Federal Bureau of Investigation was exempted.

Following are the reports of the executive departments and agencies. The committee points out that the objections set forth in some of these reports have been met by the new language adopted by the committee which appears in the committee amendment.

CIVIL SERVICE COMMISSION,
Washington, D. C., September 11, 1951.

Hon. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, 213 Old House Office Building.*

DEAR MR. MURRAY: This is in further reference to your requests of January 16 and 25, 1951, respectively, for reports of the Commission's views on H. R. 571 and H. R. 554, bills to amend section 6 of the act of August 24, 1912, as amended, with respect to the recognition of organizations of postal and Federal employees.

These identical bills would add a new subsection to section 6 of the act of August 24, 1912, as amended. Paragraph (e) (1) of the new subsection would provide for recognition of the right of officers or representatives of national organizations representing a majority of the employees of a department or agency or subdivision of such department or agency, to present grievances in behalf of their members without restraint, coercion, interference, intimidation, or reprisal, and for punitive action in the event of violation of such rights on the part of an administrative official. Paragraph (e) (2) would require administrative officers, at the request of officers or representatives of the employee organizations cited in paragraph (e) (1), to: (1) confer, either in person or through designated representatives, with such officers or representatives on matters of policy affecting working conditions, safety, in-service training, etc.; and (2) recognize the right of such officers or representatives to solicit membership, collect fees or dues, or carry on any other lawful activity, without intimidation, coercion, interference, or reprisal.

The primary purpose of the proposed legislation is to bring about formal recognition and implementation of the right of representatives of Federal employee organizations to consult with agency management on various matters of personnel policy. The Commission is in accord with this objective, but believes that the subject could be fully regulated by Executive order. If your committee, nevertheless, desires to make provision for legislation on this subject, we have the following comments and suggestions on the proposed bills.

Subsection (e) (1).—Statutory recognition of the right of employees or their representatives to present grievances is unnecessary, in view of the existence of formal agency grievance procedures approved by the Commission under Executive Order 9830. These procedures provide for the orderly presentation and processing of employee grievances, and for representation of the employee by persons of his choosing at hearings and other stages of the proceedings. The punitive provisions also are unnecessary since agency heads now have full authority to remove or otherwise discipline officers or employees who violate statutes or regulations. Therefore, we recommend that the provisions of subsection (e) (1) be eliminated from the proposed legislation. The coverage provisions of subsection (e) (1) are repeated, by reference, in subsection (e) (2) and are discussed under that subsection.

Subsection (e) (—coverage and representation.—The bills would provide for recognition of the rights of officers or representatives of national organizations representing a majority of the employees in specified units. The Commission believes that recognition of the rights provided by subsection (e) (2) of the proposed legislation should be extended to all organizations of Federal employees. Further, we believe that the Federal service, which generally is without experience in formal labor relations, should not be required to observe the full range of industry practice, including majority representation and its attendant complexity of election procedures, which has been developed through years of union-management experience in private enterprise. For these reasons, we recommend that the basic coverage provisions of the proposed legislation extend equal rights to the representatives of all Federal employee organizations, without reference to the basis for designation of such representatives.

While majority representation should not be imposed on a mandatory basis on all agencies, the proposed legislation should not eliminate recognition of majority representation in certain Government employment situations (notably the Tennessee Valley Authority) where such practice already is incorporated in union-management agreements, or prohibit or limit its development elsewhere in the Federal service in the future. Therefore, we are suggesting language in the legislation which would permit, but not require, current or future observance of majority representation at the discretion of the agency head.

Administration.—The right of representatives of employee organizations to confer with administrative officers and to represent individual members, and the conditions governing such activity, should be expressed in regulations promulgated by the head of each department and agency. In this way, agencies could establish orderly and mutually understood procedures for consultation with employee organization representatives. To insure timely implementation of the basic provisions of the legislation we recommend that the language provide for promulgation of such regulations within a definite time period.

Membership solicitation and collection of dues.—To accord with prevailing practice in private industry, we recommend that the proposed legislation provide for the solicitation of membership and collection of fees or dues by representatives of employee organizations, but specify that such activity may be carried on only outside of regular working hours.

Attached is a suggested draft of language which might be substituted for H. R. 554, and H. R. 571, incorporating the changes recommended herein. In addition, we suggest that the Central Intelligence Agency, because of the special problems of that organization, be exempted from the provisions of this bill.

I wish to emphasize my previous statement that no legislative action is required. The Commission has been informed that the Bureau of the Budget has no objections to the submission of this report.

By direction of the Commission:

Sincerely yours,

ROBERT RAMSPECK, *Chairman.*

Enclosure 98059.

[Bill—proposed substitute language for S. 408 and S. 563]

(e) (1) Within six months after the effective date of this act, the head of each department and agency shall, after giving officers or representatives of employee organizations having members in such department or agency an opportunity to present their views, promulgate regulations recognizing the right of such officers or representatives, without intimidation, coercion, interference, or reprisal, to confer with officers designated by the head of the department or agency, under the conditions specified in such regulations, on matters of policy affecting working conditions, safety, in-service training, labor-management cooperation, methods of adjusting grievances, appeals, granting of leave, promotions, demotions, rates of pay, and reduction in force; and when authorized by a member to represent the member in connection with such matters. Such regulations shall recognize the right of officers or representatives of employee organizations to solicit membership and collect fees or dues outside of regular working hours.

(2) The provisions of this act shall not affect agreements or practices in operation on or before the effective date of this act, or established after its enactment, insofar as such agreements or practices recognize officers or representatives of employee organizations designated by a majority of employees in a given organizational unit or occupational classification as representing all employees in that unit or classification.

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D. C., March 6, 1952.

Hon. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington 25, D. C.*

MY DEAR MR. MURRAY: In response to the committee's request, the Bureau of the Budget is pleased to present the following comments concerning H. R. 554 and H. R. 571, identical bills "To amend section 6 of the act of August 24, 1912, as amended, with respect to the recognition of organizations of postal and Federal employees."

The general purpose of these bills appears to be to give formal recognition to the right of representatives of Federal employee organizations to present grievances and to consult with departmental officials on matters of personnel policy.

The Bureau of the Budget believes that departmental officials should consult with their employees on matters of personnel policy which come within their jurisdiction. It is our understanding that agency employee grievance procedures established as required under Executive Order 9830, of February 24, 1947, are now in effect in all departments and agencies, as approved by the Civil Service Commission. It is our further understanding that procedures for consulting with employees on matters of personnel policy are in effect in a great many of the departments. It appears, therefore, that further improvements in grievance procedures and in employee consultation procedures may be accomplished without additional legislation. It is believed that in these matters, as in other areas of administration, the departments and agencies should be permitted to work out problems arising under varying operating conditions.

If your committee desires to make a further declaration of legislative policy, we would like to point out certain problems which are presented by the language of H. R. 554 and H. R. 571 as now written.

1. These bills would prohibit any regulation or restraint on the presentation of grievances to agency officials, and would require any agency official to confer at any time with employee organizations at the request of the latter. It is believed these rights should be exercised in an orderly manner, and within regular procedures established by agency heads after consultation with employee organizations. Experience in these matters is gradually being built up in the Federal service under the existing grievance procedures.

2. The rights would be limited in the bills to organizations representing a majority of employees of a department or subdivision. It is believed that a statutory requirement for majority representation in all agencies immediately, with the attending complexities of election, would not be wise. On the other hand no action should be taken to eliminate majority representation where it now exists.

3. The right of employee organizations to solicit membership and collect fees and dues is recognized in the bills. Although these rights should not be denied, it is believed that such activity should be conducted outside regular working hours.

4. In recognizing the right of officers and representatives of employee organizations to represent members, these bills do not mention the consent of the employee to such representation. Under existing Civil Service Commission and departmental grievance provisions, employees may be represented by persons of their own choice.

It is believed these problems are overcome in the substitute language submitted to your committee by the Civil Service Commission. In matters in this area, the Bureau of the Budget regards the Civil Service Commission as having primary leadership in the executive branch. Therefore, if your committee desires to take action on this matter, the Bureau of the Budget recommends that serious consideration be given the Commission's proposal.

Sincerely yours,

F. J. LAWTON, *Director.*

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D. C., March 18, 1952.

Hon. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D. C.*

MY DEAR MR. MURRAY: Reference is made to your letter of February 19 requesting a report on H. R. 554, a bill to amend section 6 of the act of August 24, 1912, as amended, with respect to the recognition of organizations of postal and Federal employees.

This Department gives wholehearted endorsement to the objectives of this measure.

For the information of the committee, there is attached a document setting forth the Department's general labor relations policy. This document indicates that it has been the policy of the Department to give employee organizations the rights which the proposed measure would afford. Therefore, legislation which embodies the principles set forth in the general labor relations policy of this Department would have our support.

The Bureau of the Budget has advised that there is no objection to the submission of this report to the Congress.

Sincerely yours,

OSCAR L. CHAPMAN,
Secretary of the Interior.

Enclosure.

UNITED STATES DEPARTMENT OF THE INTERIOR,
Washington 25, D. C., January 26, 1948.

Memorandum:

To: Heads of all bureaus and offices.

From: Mr. Oscar L. Chapman, Under Secretary.

Subject: General Labor Relations Policy for Ungraded Employees of the Department of the Interior.

The attached policy memorandum is issued for the guidance of all bureaus administrations, agencies, corporations, establishments, and undertakings of the Department, in those situations where ungraded employees show a desire, through accredited labor organizations, to cooperate in the determination of wage rates and labor standards and in furthering the public purposes of the activity which employs them.

In varying degrees the policy and procedures outlined in the attached memorandum are already being observed by some of the agencies of the Department. Where this is the case, it will be necessary for the heads of such agencies to examine their own situations in the light of the new departmental policy, and, by appropriate action, bring their specific policies and procedures into line with the provisions of the Department's policy.

It will also be appropriate and desirable for the head of each bureau and office to give the fullest possible publicity to the Department's new labor relations policy, so that all concerned, the officers and supervisors of the Department as well as the employees and the officers of their labor organizations, will become thoroughly acquainted with the Department's new policy.

OSCAR L. CHAPMAN, *Under Secretary.*

Attachment.

POLICY MEMORANDUM COVERING GENERAL LABOR RELATIONS POLICY FOR
UNGRADED EMPLOYEES OF THE DEPARTMENT OF THE INTERIOR

Reason for memorandum.—Employees in the public service are relying in increasing numbers on the organized labor movement to advance their welfare as wage earners. This is especially true of those public employees who occupy so-called ungraded positions, the rates of pay of which are usually established either by administrative action or wage boards. Such employees are recruited for the public service from the ranks of workers in private industry whose wage rates, hours, and working conditions are generally determined by the processes of collective bargaining.

The ungraded employees of the Department of the Interior engaged particularly in construction, operating, and maintenance activities have given evidence of this tendency. Through labor organizations with which they have identified themselves, they have, in one way or another, shown increasing interest in the determination of their rates of pay and the conditions under which they work. From

time to time requests have been filed with administrators of the Department designed to give labor organizations a definite place in the procedures for making these determinations, and in a few undertakings of the Department labor organizations have already been given such a place.

Because of this situation, plus the fact that results beneficial to employees, management, and the public are realized when public employees acting through responsible labor organizations are enabled to participate in the orderly determination of rates of pay, regulation of hours and working rules, and to cooperate with management in achieving the public purpose for which the agencies employing them have been established, it has been deemed advisable to issue this memorandum of labor policy and procedure for the information and guidance of the Department's administrators and employees, as well as the latter's labor organizations and spokesmen.

Specifically, this policy memorandum specifies the circumstances under which, and lays down the terms and conditions in keeping with which, an administrator or manager of a given bureau, administration, agency, corporation, establishment, or undertaking of the Department may recognize and treat with labor organizations as accredited representatives of ungraded employees to (1) establish the principles and procedures for the determination of fair and reasonable labor standards, (2) settle promptly all differences between employees and management, and (3) develop systematic labor-management cooperation for mutual benefit and good service to the public.

In the application of this policy, the fact must always be borne in mind that the Department of the Interior and its bureaus, administrations, agencies, corporations, establishments, and undertakings are all agencies of the Government of the United States dedicated to the accomplishment of certain public purposes, all as provided in various acts of Congress and orders of the President of the United States. The duties and responsibilities for realizing these public purposes are vested by these laws and orders in Federal officials and employees who must, therefore, comply with and conform to such laws and orders at all times. As a consequence, such laws and orders are always paramount to this policy and its procedures and to the terms of any schedules, agreements, or understandings that may be negotiated in keeping with its provisions.

Nothing in this memorandum of labor policy for the ungraded employees of the Department shall be construed as affecting, in any way, the relations of the classified employees to the Department's officers, administrators, managers, and supervisors.

Right of employees to organize.—For the purposes of this policy memorandum, the ungraded employees of the Department of the Interior; i. e., those not subject to the Classification Act of 1923 whose status as full-fledged employees of the Department is clearly established, shall have the right to form or join organizations and designate representatives of their own choosing, providing they do not join organizations which advocate the overthrow of the United States Government by force or violence or which assert that employees in the service of the United States Government may strike. This is not to be construed as limiting the right of ungraded employees to organize for other lawful purposes.

Interference with right to organize prohibited.—In the exercise of the right to form or join organizations for the purposes of this policy, employees shall be free from any and all restraint, interference, or coercion on the part of departmental officers, administrators, managers, and supervisors, and members of the management and the supervisory staffs of the Department are hereby prohibited from exercising any such restraint, interference, or coercion. Furthermore, membership on the part of any employee in an organization which is entitled to represent employees for the purposes of this policy will in nowise be discouraged by anyone acting in an official or supervisory capacity with the Department or its agencies.

Merit and efficiency basis for all appointments.—Where appointments to agencies of the Department are not now subject to the Civil Service Act, such appointments will be made strictly on the basis of merit and efficiency precisely as if they were subject to this act. Neither will race, creed, color, religion, or political belief or affiliation, except as required by law, be considered when making such appointments or when promoting, demoting, transferring, or retaining or terminating the services of ungraded employees. Nor shall any ungraded employee or anyone seeking employment in an ungraded position, whether subject to the provisions of the Civil Service Act or not, be required to join or refrain from joining any organization entitled to represent employees as a condition of promotion, demotion, transfer, retention, or termination of service.

Appropriate unit for employee representation purposes.—The majority of the ungraded employees by class, craft, administrative division, subdivision, or other appropriate employment unit of any bureau, administration, agency, corporation, establishment, or undertaking of the Department shall have the right to designate the organization which will represent all such employees for the purposes of this policy. Organizations so designated shall be regarded as the accredited representative for all of the employees concerned, provided, however, that no written agreement establishing procedures for determining rates of pay, regulations of hours, working rules, and the adjustment of differences of methods for promoting such joint activities as employee training, accident prevention, and labor-management cooperation, or schedules stipulating pay rates, working rules, and regulations governing hours of employment, may be promulgated without first granting individual employees affected thereby, or representatives of minority groups of such employees, a hearing, if requested, to present views or make arguments concerning the terms of such agreements or schedules prior to their promulgation.

Nothing in this paragraph is to be construed, in situations where a majority of employees by appropriate units have not designated an accredited representative, as denying individual employees or organizations of employees designated by less than a majority of the employees of an appropriate representation unit the opportunity of being consulted by or conferring with administrators or managers or their subordinate officers on any matters of interest or concern to such employees.

Adjustment of disputes involving employee representation.—Disputes among employees as to which organization shall be regarded as their accredited representative for the purposes of this policy may, if the parties thereto so desire, be referred to the chief administrative officer among whose employees the dispute has arisen, and such officer shall use his good offices to help adjust the dispute by whatever means the parties can agree upon, including the taking of a secret ballot among the employees involved. If, however, the parties to such disputes do not desire such help from the chief administrative officer, either party is free to invoke the services of the Secretary of the Interior who shall have the dispute investigated by some qualified person, persons, or agency whom he may designate, and such investigator or investigators shall certify to the parties the organization designated by a majority of the employees concerned as their representative. In the conduct of such investigations the usual principles, practices, and precedents for the resolution of representation disputes among employees as generally recognized by public labor relations boards in the adjustment of labor-representation disputes shall be observed.

Circumstances under which statements of labor policy and procedure may be promulgated.—When a substantial number of ungraded employees of any bureau, administration, agency, corporation, establishment, or undertaking or of any administrative division, subdivision, or project of such bureau, administration, agency, corporation, establishment, or undertaking of the Department give evidence of membership in and reliance upon a labor organization to protect and advance their interests as wage earners, it will be proper and desirable for the chief administrative officer or manager concerned, after consultation with the officers of the labor organizations of the employees concerned, to promulgate a statement of labor policy and procedure applying specifically to such bureau, administration, agency, corporation, establishment, or undertaking in keeping with the terms of which statement schedules establishing rates of pay, regulations of hours and working conditions of such employees may be negotiated, disputes adjusted, and measures to promote labor-management cooperation adopted.

In the event, however, that the employees of such bureaus, administrations, agencies, corporations, establishments, undertakings, or administrative divisions or subdivisions thereof have already designated labor organizations to represent them, and these organizations, in turn, have organized a council of organizations, which council is authorized and prepared to speak for all of the employees concerned, and, in addition, suggests to the administrative officer or manager the desirability of negotiating a statement of labor policy and procedure, such officer or manager may enter negotiations with such council for purposes of agreeing upon and jointly promulgating a statement of labor policy and procedure in keeping with the terms of which, thereafter, appropriate schedules establishing rates of pay, hours regulations, and working conditions may be negotiated, disputes adjusted, and measures to promote labor-management cooperation adopted.

In the formulation and promulgation of specific statements of labor policy and procedure, due consideration shall be given to the size of the administrative

unit and the total number of ungraded employees to whom such statement will apply. That is to say, the administrative unit issuing the statements should not be too small or restricted in its activities nor should the employees of the unit be too scattered in their places of employment. Since the size of the administrative unit concerned is a factor in determining whether specific statements of labor policy and procedure should be formulated, the chief executive officer of the bureau, administration, agency, corporation, establishment, or undertaking of the Department having general jurisdiction over such unit will determine the feasibility of formulating a specific labor-policy statement for such unit.

Statements of labor policy and procedure, prior to their promulgation, shall be approved by the Secretary of the Interior.

Terms and conditions essential to all specific statements of labor policy and procedure.—Individual statements of labor policy and procedure, whether promulgated on the basis of consultations with employees' organizations or as a result of negotiation and agreement with such organizations, in addition to incorporating the relevant features of this order, shall also make provision to the end that (a) notice of conference desired by one party to negotiate the terms of schedules governing rates of pay, regulations of hours and working rules or to adjust differences be filed with and acknowledged by the other party and dates set for holding such conferences; (b) means be provided for the finding of facts, especially for consideration, in connection with the determination of rates of pay and working rules; (c) disputes which cannot be adjusted in direct conferences be made subject to mediation; (d) appropriate mediatory services be created for this purpose; (e) questions which cannot be settled in mediation may be arbitrated, if the parties to such questions agree; and (f) means be provided to establish appropriate machinery for arbitration, provided, however, it is understood and so stipulated by the parties to arbitration agreements that all arbitration awards other than those involving claims or grievances of individual employees, before becoming effective, must be submitted to the Secretary of the Interior who, if he finds such awards not to be in the public interest or contrary to law, shall remand them to the arbitrators making such awards for reconsideration. Expenses of mediation or arbitration shall be borne jointly by the agency and the organization or organizations representing the employees concerned.

Right to strike or engage in similar concerted action not implied.—Every statement of policy and procedure applying specifically to a bureau, administration, agency, corporation, establishment or undertaking of the Department shall stipulate that the willingness on the part of the Department's officers, administrators, managers and supervisors to treat with labor organizations as accredited representatives of departmental employees does not imply that the employees covered by such statements acquire any rights collectively to cease work or withdraw from the service or otherwise interfere by concerted action in any way at any time with the accomplishment of the public purposes for which the activity employing them has been established.

Provision for systematic employee-management cooperation.—Specific statements of labor policy and procedure, in addition to the foregoing, shall make provision for systematic cooperation between the employees, the organizations representing them and the management of the activity concerned. Joint cooperative committees shall be set up for this purpose which shall give consideration to such matters as the elimination of waste in operation and maintenance, the conservation of materials, supplies, time, power and energy, the improvement in quality of workmanship and services, the promotion of education and training, the recruiting of new employees, the reduction in labor turn-over, the correction of conditions making for grievances, misunderstandings, and dissatisfaction, the safeguarding of health, the prevention of injuries to employees and patrons, the provision of better employee housing and living conditions, the betterment of working conditions, the stabilization of employment, the general strengthening of the morale of the service, and the systematic encouragement of courtesy in all relations of the employees and the activity with the public; but such committees shall not consider or act upon disputes or matters relating to grievances or to rates of pay and the other terms of schedules.

Agreed-to labor standards to be promulgated as schedules.—Specific rates of pay, regulations of hours and working rules as they apply to various classes, crafts or units of employment by departmental activity determined in keeping with the terms of any specific statement of labor policy and procedure duly promulgated in keeping with the provision of this memorandum entitled "Terms and Conditions Essential to All Special Statements of Labor Policy and Procedure"

shall be incorporated in written schedules which shall be signed by the chief administrative officer or manager concerned and the appropriate officer or officers of the accredited organizations in behalf of all the employees represented by such organizations, and shall become effective upon approval by the Secretary of the Interior.

Administrative committees to handle conferences with accredited employee representatives.—Administrators or managers, when engaged in the process of formulating statements of labor policy and procedure, either in consultations or by negotiations with accredited organizations of employees, or when engaged in the negotiation of new or the amendment of existing schedules, will find it desirable to create committees of three or more officers selected with regard to their knowledge and understanding of prevailing work and labor conditions, especially in their respective environments as well as for their recognized judgment and fairness in labor matters generally.

Approved January 16, 1948.

J. A. KRUG, *Secretary of the Interior.*

TREASURY DEPARTMENT,
Washington, March 7, 1952.

Hon. TOM MURRAY,

*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: Further reference is made to your letter of February 14, 1952, requesting a statement of the Treasury Department's views on H. R. 554, a bill to amend section 6 of the act of August 24, 1912, as amended, with respect to the recognition of organizations of postal and Federal employees.

The proposed legislation would amend section 6 of the act of August 24, 1912 (5 U. S. C. 652) by adding a new subsection relating to the recognition of national organizations to represent Federal employees before a department or agency. Specifically, the proposed legislation would give the right to officers or representatives of national organizations representing a majority of employees of a department or a subdivision of a department, to present grievances in behalf of their members. It would also require administrative officers to confer with such representatives on matters of policy affecting working conditions, safety, in-service training, labor-management cooperation, methods in adjusting grievances, appeals, granting of leave, promotions, demotions, rates of pay, and reduction in force. The bill would further require administrative officers to recognize the right of such representatives of national organizations to solicit membership, collect fees or dues, or carry on any other lawful activity. Furthermore, it would prohibit any restraint, coercion, interference, intimidation, or reprisal on the part of administrative officials and any such violation might subject the officials to suspension or removal or other punitive action.

The Treasury Department now recognizes the right of employees to join unions. The departmental policy has been publicized as follows:

"Every employee of the Department has the right either to join or to refrain from joining any lawful organization or association of employees. The exercise of this right is entirely voluntary on the part of each employee, and in no way affects his official status."

It has also long been the policy of the Department to permit employees presenting grievances to be represented by a person of their own choosing, including officers or representatives of national organizations, other unions or employee groups. Administrative officials of the Department frequently confer with union representatives on various matters affecting employees, including those enumerated in the proposed legislation. The Department does not permit the solicitation of membership or the collection of fees or dues on Government space during office hours but certain privileges are granted to union representatives, such as the use of Government space for meetings and the distribution of literature at hours that will not interfere with the work of the Department.

The bill would give the right of recognition to officers or representatives of national organizations representing a majority of the employees of the agency or subdivision. But it does not provide machinery for determining what organization would have a majority of employees among its members. In the past it has been contrary to the policy of this Department to request any information from organizations as to the number of members that it might have or the total number of employees of the Department that they represent. Practically

all national unions have members in the Treasury Department. This includes various crafts of the American Federation of Labor; the CIO; American Federation of Government Employees; National Federation of Federal Employees; the National Customs Association; National Association of Employees of Collectors of Internal Revenue and others. There is also a substantial number of employees who are not affiliated with any organization. In this Department it would not be possible to determine what organization represents a majority of employees unless the legislation also provided machinery for elections. Under existing policy the Department does not need to know whether a national organization represents a majority because officers or representatives of any employee organization are permitted to present grievances in behalf of its members, without regard to the size of its membership among employees of the Department.

Paragraph (2) of the proposed new subsection would grant no benefits to employee organizations that are not enjoyed by them under the Department's present policy except as noted hereafter. Certain matters controlled by law, such as rates of pay and reduction-in-force regulations, have not been considered proper items of conferences because administrative officers of the Department could do nothing about them, except matters relating to Wage Board adjustments or appeals under the Classification Act. In these and all other matters affecting employees, requests have always been granted when officers or representatives of employee organizations wish to meet to confer upon them. As stated above, the Department does not permit the solicitation of membership or the collection of dues during office hours and it is believed that the granting of such a right would be inconsistent with the best interest of the Government and with the efficient functioning of Government operations.

Management in a Government department is concerned with matters relating to and affecting all employees, regardless of their membership in a union, and many Treasury employees who have seen fit not to join a union are equally entitled to fair consideration by management on all matters relating to their official welfare. In presenting complaints or grievances or in appeals on personnel actions every employee has the right to choose his own representative, who may be a union representative, a fellow employee or an attorney.

In view of the administrative difficulties inherent in the proposed legislation, and since it would not give to employees any real benefits that they do not now have, the Department does not feel that the proposed legislation is necessary and, therefore, recommends against its enactment.

The Department has been advised by the Bureau of the Budget that there is no objection to the submission of this report to your committee.

Very truly yours,

E. H. FOLEY,
Acting Secretary of the Treasury.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington 25, March 6, 1952.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives.*

MY DEAR MR. CHAIRMAN: Reference is made to your letter of February 11, 1952, acknowledged by telephone February 13, enclosing copies of H. R. 554, entitled, "A bill to amend section 6 of the act of August 24, 1912, as amended," with respect to the recognition of organizations of postal and Federal employees," and requesting a report thereon.

The first part of the proposed amendment to the act of August 24, 1912, would provide that the right of officers or representatives of national organizations representing a majority of the employees of a department or agency or subdivision thereof, to present grievances in behalf of their members is recognized without restraint, coercion, interference, intimidation, or reprisal, and any violation of such right on the part of an administrative officer would be cause for his suspension or removal or such other punitive action as the head of a department or agency may deem advisable. The second portion of the bill would require administrative officers to confer with representatives of said organizations, upon request, in regard to matters of policy affecting working conditions, safety, in-service training, labor-management cooperation, methods of adjusting grievances, appeals, granting of leave, promotions, demotions, rates of pay, and reduction in force, and would further require the recognition of the right of the

representatives of said organization to solicit membership, collect dues, or carry on any other lawful activity without intimidation, coercion, interference, or reprisal.

The proposed legislation is identical with that introduced under S. 3202, Eighty-first Congress, second session, and S. 408 and S. 563, Eighty-second Congress, first session, upon which reports were submitted on April 3, 1950, February 8, 1951, and February 28, 1951, respectively, to the chairman, Committee on Post Office and Civil Service, United States Senate. While the reports referred to were unfavorable to the contemplated legislation and the respective bills failed of enactment into law and repeated and persistent efforts to put such legislation on our statute books impels me to set forth with more emphasis basic reasons why H. R. 554 or any other bill containing similar proposals should not become law.

Even a cursory examination of H. R. 554 discloses that those seeking its enactment fail to recognize or choose to ignore the sharp distinction between industry and Government. Industry is responsible to its owners, or shareholders, for profits. In Government there are no profits. It is the taxpayers' dollars which are being spent. The Government is responsible to every citizen of the United States—primarily through the duly elected representatives of such citizenry, the Congress—for good government. It is unthinkable that private groups or organizations should be clothed with statutory authority to interfere with administration of Government agencies and continuity of governmental operations to the detriment of the citizens and taxpayers of this country as a whole. The bill in its present form may seem innocuous, but it could be the entering wedge susceptible of being strengthened from time to time until it becomes a powerful tool in the hands of a local or national private organization.

Although the ostensible purpose of the bill is to protect employees, whatever "protection" it might afford would be the wrong kind and for the wrong people. It has been my observation over a long period of years that the honest, capable, and conscientious Government employees—who are in the great majority—need no such protection as the bill would purport to give. The plain fact of the matter is that the bill well could operate to help keep incompetent and even dishonest employees on the public payroll.

The bill is not necessary. Few departments or agencies aside from the postal service have a majority of administrative employees (as distinguished from employees in the trades) who belong to organizations which could represent them as contemplated by the bill. The regulations of the Civil Service Commission now provide for the hearing of grievances from employees in the various departments and agencies. Statutes, or regulations of the Commission, control reductions in force, the granting of leave, promotions, demotions, rates of pay, efficiency ratings, and appeals from such actions. If the action involves possible loss of compensation, the employee may file a claim in the General Accounting Office or pursue the matter in the Court of Claims.

The bill also is objectionable for other reasons. It does not specify who is to determine culpability of an administrator for the offenses referred to in subsection (e) (1). Subsection (e) (2) contains no restriction against the carrying on of union activities during official working hours at public expense. Undoubtedly it would have a tendency to mark and emphasize a distinction between employees and administrators which in reality does not exist and this would create an atmosphere conducive to discord and destruction of morale.

I am firmly convinced that approval of this bill would result in harassment and delay in efficient administration and would result in a considerable expense to the Government with no compensating benefit. From the standpoint of public interest I can find no merit whatever in the bill and most strongly recommend against its enactment into law.

Sincerely yours,

LINDSAY C. WARREN,
Comptroller General of the United States.

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., February 25, 1952.

Hon. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: I have your letter of February 16, with which you transmitted a copy of H. R. 554 and H. R. 571, identical bills, and state that a hearing has been scheduled for February 28 at 10 a. m., by a subcommittee to which these bills have been referred, and ask that if possible I appear personally to give the committee the benefit of my views with regard thereto.

I have been requested to appear before the Appropriations Committee of the Senate on February 28 at 10 a. m., and probably will be requested to return for a continuation of the hearing on the following day. It will, therefore, be impossible for me to appear personally before your subcommittee considering these two bills.

The report was submitted on these two bills under date of December 6, 1951, in which adverse recommendation was made. Similar proposed legislation has been under consideration over the years, and several years ago former President Roosevelt called some of the leaders for a conference at which time he stated that there could be no collective bargaining on the part of Government employees. He advised them that the Congress fixes the salaries, the hours of employment, leave privileges, and annuities through the retirement law. He stated further that, therefore, there could be no collective bargaining on the particular matters which were fixed by legislation. This is not true as to employees in outside industry as they must bargain with the employers concerning salaries, leave privileges, hours of employment, and all matters relating to pensions. Therefore, there is necessity for collective bargaining and labor-management boards in outside industry.

Since Congress legislates on so many of these matters for Government employees there is necessity only for a method of handling grievances with reference to working conditions, seniority rules, assignments, etc., and the Post Office Department has provided detailed instructions relating to the presentation of grievances under an orderly procedure where any employee can present his grievance. He can start at the lowest level and carry the matter to a hearing before the Postmaster General, if necessary. We have had very little difficulty in handling grievances under this procedure.

I am designating Mr. Clinton B. Uttley, Executive Director, Bureau of Post Office Operations, to appear before the subcommittee to answer any questions in which the members of the subcommittee may be interested.

Sincerely yours,

J. M. DONALDSON,
Postmaster General.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., March 13, 1952.

Hon. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: This is in response to your request for the views of the Department of Justice concerning the committee print, dated March 12, 1952, of H. R. 554, a bill to amend section 6 of the act of August 24, 1912, as amended, with respect to the recognition of organizations of postal and Federal employees.

This committee print of H. R. 554 would amend section 6 of the act of August 24, 1912, as amended (5 U. S. C. 652), so as to add thereto a subsection to be designated "(e)." The new subsection would provide:

(e) Within six months after the effective date of this Act, the head of each department and agency shall, after giving officers or representatives of employee organizations having members in such department or agency an opportunity to present their views, promulgate regulations specifying the conditions under which employees may, without intimidation, coercion, interference, or reprisal, confer with officers designated by the head of the department or agency on matters of policy affecting working conditions, safety, in-service training, labor-management cooperation, methods of ad-

justing grievances, appeals, granting of leave, promotions, demotions, rates of pay, and reduction in force. Such regulations shall recognize the right of officers or representatives of employee organizations to solicit membership and collect fees or dues outside of regular working hours. This subsection shall not apply to the Central Intelligence Agency or the Federal Bureau of Investigation.

It would seem that the primary purposes of the measure are to require all departments and agencies, with the exception of the Central Intelligence Agency and the Federal Bureau of Investigation, to establish procedures for the presentation of employee grievances and suggestions on matters of policy relating to personnel problems, and affirmatively to provide a statutory right for employee organizations to participate in the formulation of such procedures. In this latter regard, the subsection would thus constitute a further recognition of the position of employee organizations in Government, and is in accord with modern personnel practice.

Whether or not this measure should be enacted presents a question of legislative policy concerning which the Department of Justice prefers not to make any comment. However, the following observations may be of interest and of some assistance to the committee.

The proposed subsection contains certain ambiguities which it may be well to resolve. For example, the question is raised as to whether it is intended that its application be limited to the executive branch of the Government and, further, whether it is intended that it apply to agencies of the District of Columbia government. Likewise, the question is left open as to whether the solicitation of membership and the collection of fees or dues which are authorized may be performed on Government property.

The committee may also wish to consider whether the proposed subsection should be amended so as to require that employee organizations benefiting from its provisions shall not be "affiliated with any outside organization imposing an obligation or duty * * * to engage in any strike, or proposing to assist * * * in any strike, against the United States." Such a limitation is contained in subsection (c) of section 6 of the act of August 24, 1912, as amended.

There is also raised for the consideration of the committee the question of whether it would be preferable to provide for the establishment of basic regulations to serve as a guide to departments and agencies in the promulgation of their respective regulations. Such an approach would result in more uniformity among the agencies, which would appear to be desirable.

In view of the urgency of the committee's request, it has not been possible to submit this report to the Bureau of the Budget for advice as to the relationship of the legislation to the program of the President.

Sincerely,

A. DEVITT VANECH,
Deputy Attorney General.

CENTRAL INTELLIGENCE AGENCY,
OFFICE OF THE DIRECTOR,
Washington 25, D. C., September 13, 1951.

HON. TOM MURRAY,
*Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington 25, D. C.*

DEAR MR. CHAIRMAN: I have been informed that your committee has scheduled hearings on H. R. 554 and H. R. 571, which are bills to amend section 6 of the act of August 24, 1912, as amended, with respect to the recognition of organizations of postal and Federal employees. For reasons set forth below, it is requested that the Central Intelligence Agency be specifically exempted from the provisions of these bills.

I wish to state that our request for exemption is in no way based on any "anti-union" beliefs in this Agency. On the contrary, our administrative instructions specifically provide that our employees have the right to join any organizations or association of employees, the policies of which are not in conflict with their oath of office. Our instructions further provide that in exercising this right our employees will be free from any and all restraint, interference, or coercion on the part of administrative or supervisory personnel.

It should be pointed out that the Central Intelligence Agency was established to coordinate the foreign intelligence activities of the United States. The Agency has no police or law-enforcement powers, or internal security functions. How-

ever, I wish to call your attention to the provisions of section 102(c) of the National Security Act of 1947 (Public Law 253, 80th Cong.) which reads as follows:

"Notwithstanding the provisions of section 6 of the act of August 24, 1912 (37 Stat. 555), or the provisions of any other law, the Director of Central Intelligence may, in his discretion, terminate the employment of any officer or employee of the Agency whenever he shall deem such termination necessary or advisable in the interests of the United States, but such termination shall not affect the right of such officer or employee to seek or accept employment in any other department or agency of the Government if declared eligible for such employment by the United States Civil Service Commission."

Because of the nature of the work of the Central Intelligence Agency, the Congress felt that the Director must have the unusual authority granted under section 102 (c) to terminate the employment of any officer or employee of the Agency whenever such action appeared to be necessary or advisable in the interests of the United States. Inasmuch as section 1 of H. R. 554 and H. R. 571 would limit the necessary authorities granted to this Agency under section 102 (c), we are opposed to them in any form which would not specifically exempt the Central Intelligence Agency from their provisions.

The nature of an intelligence organization, the need for its complete objectivity, and the security considerations essential to its operations, are self-evident. I am sure the committee will appreciate the problems which might be created by the proposed legislation.

In the light of the above, and in view of the nature of the work of the Central Intelligence Agency, I respectfully request that your committee exempt us from the provisions of H. R. 554 and H. R. 571. This request has the approval of the Bureau of the Budget, and they have no objection to its presentation to the Congress.

Sincerely,

WALTER B. SMITH, *Director*.

CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (new matter is printed in italics, existing law in which no change is proposed is shown in roman):

SECTION 6 OF THE ACT OF AUGUST 24, 1912 (5 U. S. C. 652)

SEC. 6. (a) No person in the classified civil service of the United States shall be removed or suspended without pay therefrom except for such cause as will promote the efficiency of such service and for reasons given in writing. Any person whose removal or suspension without pay is sought shall (1) have notice of the same and of any charges preferred against him; (2) be furnished with a copy of such charges; (3) be allowed a reasonable time for filing a written answer to such charges, with affidavits; and (4) be furnished at the earliest practicable date with a written decision on such answer. No examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer or employee directing the removal or suspension without pay. Copies of the charges, the notice of hearing, the answer, the reasons for removal or suspension without pay, and the order of removal or suspension without pay shall be made a part of the records of the proper department or agency, as shall also the reasons for reduction in grade or compensation; and copies of the same shall be furnished, upon request, to the person affected and to the Civil Service Commission. This subsection shall apply to a person within the purview of section 14 of the Veterans' Preference Act of 1944, as amended, only if he so elects.

(b) (1) Any person removed or suspended without pay under subsection (a) who, after filing a written answer to the charges as provided under such subsection or after any further appeal to proper authority after receipt of an adverse decision on the answer, is reinstated or restored to duty on the ground that such removal or suspension was unjustified or unwarranted, shall be paid compensation at the rate received on the date of such removal or suspension, for the period for which he received no compensation with respect to the position from which he was removed or suspended, less any amounts earned by him through other employment during such period, and shall for all purposes except the accumulation of leave be deemed to have rendered service during such period. A decision

with respect to any appeal to proper authority under this paragraph shall be made at the earliest practicable date.

(2) Any person who is discharged, suspended, or furloughed without pay, under section 14 of the Veterans' Preference Act of 1944, as amended, who, after answering the reasons advanced for such discharge, suspension, or furlough or after an appeal to the Civil Service Commission, as provided under such section, is reinstated or restored to duty on the ground that such discharge, suspension, or furlough was unjustified or unwarranted, shall be paid compensation at the rate received on the date of such discharge, suspension, or furlough for the period for which he received no compensation with respect to the position from which he was discharged, suspended, or furloughed, less any amounts earned by him through other employment during such period, and shall for all purposes except the accumulation of leave be deemed to have rendered service during such period.

(3) Any person removed or suspended without pay in a reduction in force who, after an appeal to proper authority, is reinstated or restored to duty on the ground that such removal or suspension was unjustified or unwarranted shall be paid compensation at the rate received on the date of such removal or suspension, for the period for which he received no compensation with respect to the position from which he was removed or suspended, less any amounts earned by him through other employment during such period, and shall for all purposes except the accumulation of leave be deemed to have rendered service during such period. A decision with respect to any appeal to proper authority under this paragraph shall be made at the earliest practicable date.

(c) Membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike, against the United States, having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

(d) The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with.

(e) (1) *The right of officers or representatives of national organizations representing a majority of the employees of a department or agency or subdivision of such department or agency, to present grievances in behalf of their members without restraint, coercion, interference, intimidation, or reprisal is recognized and any violation of such right on the part of an administrative official shall be cause for his suspension or removal or such other punitive action as the head of the department or agency may deem advisable.*

(2) *Administrative officers shall at the request of officers or representatives of the employees organizations enumerated in section (e) (1) of this Act confer, either in person or through duly designated representatives, with such officers or representatives on matters of policy affecting working conditions, safety, in-service training, labor-management cooperation, methods of adjusting grievances, appeals, granting of leave, promotions, demotions, rates of pay and reduction in force, and shall recognize the right of such officers or representative to solicit membership, collect fees or dues, or carry on any other lawful activity, without intimidation, coercion, interference, or reprisal.*

MINORITY VIEWS ON H. R. 554 OF REPRESENTATIVE TOM MURRAY

This legislation offers a most serious challenge to the orderly administration of the Government of the United States. It is hoped that Congress will not be lulled into the acceptance of a radical and dangerous change in management responsibility under the guise of a mere restatement of existing employer-employee policies by means of statute.

This legislation should not be approved because:

(1) The legislation admittedly is not necessary; existing law and regulations provide everything that the legislation would or should provide;

(2) The real purpose of the legislation is to let employees' organizations take over and run a large part of the functions of Government departments and agencies; and

(3) The approval of this legislation would place into the hands of employees' organizations an opportunity to not only direct the actions of administrators, but, also, in many cases thwart even the will of Congress.

I call the attention of the Members of the House to the hearings on this bill which set forth the true motives and the objective of this legislation. Stripped of all camouflage, the real objective is to establish collective bargaining in the Federal Government, and I quote from the record:

* * * It seems to me that we would be strengthening our economy and our democracy in giving reality to some of the things that we think about, the rights of the employees to collective bargaining, and I do not know a better place to do that than in the Government itself.

The bill may seem innocuous, but it could be the entering wedge susceptible of being strengthened from time to time until it becomes a powerful tool in the hands of local or national organizations to impede and disrupt the conduct of Government business. It will be seen that the implications in the bill are much wider in scope and more far-reaching in effect than appear on the surface. This report is submitted to point out some of the most important testimony on the bill and give the Members of the House an analysis of its weaknesses and undoubted damaging results.

LEGISLATION UNNECESSARY

In the first place, it is abundantly evident from the hearings that this legislation is unnecessary. The present policy of the Government has been most fair with respect to its treatment of employee organizations. Everything that would be done under the bill—or should be done under any bill—already is provided for by the Lloyd-La Follette amendment to a 1912 appropriation act. That is acknowledged by even the strongest proponents of the bill. But yet they seek enact-

ment of the bill so that the administrative regulations implementing this law will themselves be inflexibly written into law—a thinly disguised demand for a weapon to hold over the heads of administrative officials who are charged by law with responsibility for the efficient and economical conduct of Government business.

There is no evidence whatever of failure of the Lloyd-La Follette provision. Not even one single real example was given at the hearings of failure or refusal of an administrative officer to hear just complaints or grievances of an employee or group of employees. On the other hand, agency after agency reported to the Committee on carefully planned, detailed programs which are in actual operation and are providing administratively all of the rights and benefits which are claimed for this legislation with none of its obvious drawbacks. Long established standards, cited at the hearings, show that the principles of employee-management consultation are being given wide practical application. Civil Service Commission regulations issued under the 1912 amendment provide the means to accomplish everything that could be done by statute if H. R. 554 is enacted into law. The first standard which agency plans must meet under regulations covering grievance procedures, originally published in 1941, is:

Both supervisors and employees should have an opportunity to take part in developing and formulating the procedure.

The Commission's 1950 instruction requiring agencies to establish systematic promotion plans provides that:

In the development of the promotion program, employees shall be consulted on appropriate aspects of the program.

Federal personnel directors in 1951, through the Federal Personnel Council, adopted a statement of policy containing these principles:

* * * representatives of organized employee groups should be encouraged
 * * * to discuss with officials of the agency questions of personnel policy of
 general interest to employees or other matters having to do with the interest and
 well-being of employees.

* * * * *

Organized employee groups may make recommendations and proposals regarding any policy, regulation, administrative instruction, or practice affecting employment in the agency. The agency should consider carefully such proposals, recommendations, inquiries, or complaints presented by such groups and without undue delay take such action as is considered necessary and appropriate based on full and fair consideration of all the facts.

It was brought out at the hearings that civil-service standards governing the establishment of agency grievance procedures require that "an employee should be unimpeded in presenting a grievance, and assured freedom from restraint, interference, coercion, discrimination, or reprisal," and that "The employee has the right to designate the representative of his own choosing to present his grievance." Under these standards each agency must recognize the right of employees to join or refrain from joining employee organizations, subject only to the prohibition against joining organizations which impose on employees the obligations to strike against the United States or which advocate the overthrow of our constitutional form of government. Several times it was stated categorically that no case had come to attention of the Civil Service Commission of refusal of an agency to consult with an employee or employee representative. The submission of any such instances was invited, but none was given.

That this legislation is neither needed nor desirable was aptly demonstrated by Civil Service Commission comment on attempted comparisons between conditions in the Federal Government and in private industry. Specifically, it was pointed out, large private industries set personnel and management policies through boards of directors. The need for laws to govern such private labor-management relationships stems to some extent from the fact that employees do not have access to the directors. In the Government it is different. Personnel management is based on policies established by law. Likewise, one of the major negotiating points of private employee unions is wages. One is working conditions. Another is working hours. Still another is employee pensions. All of these matters are in the sole jurisdiction of Congress so far as concerns the Federal employee. No administrative officer can sit down and make any binding agreement on these matters with any employee union. The laws enacted by Congress cannot be modified by executive officers, and the latitude allowed such officers in the application of the laws is limited. Therefore, little or no purpose is served by forcing the officers to "consult" or "bargain" when they are power less to abide by the results of any consultation that go beyond the law which governs them. There is simply nothing of importance to consult or bargain about. Moreover, unlike employees in private industry, Federal employees and their representatives have full access to the Congress and ample opportunity to be heard on all personnel policy matters which for them are determined by the Congress.

Post Office Department statements, corroborating those of the Civil Service Commission, showed that—

The present detailed instructions * * * provide an orderly procedure for any employee to present a grievance covering any situation. By this method an employee, if he feels the decision reached by lesser officials is not equitable or fair, can eventually appeal the matter to the Postmaster General for final decision. The employee is not required to be a member of any employee organization, and has the right to be represented by a committee of employees he selects. He makes these presentations without restraint, coercion, interference, intimidation, or reprisal.

* * * * *

The right of officers or representatives to solicit membership, collect fees or dues, or to carry on any other lawful activity is not questioned as long as such actions do not interfere with the normal operation of the postal service.

The present law clearly recognizes the right of employees to become members of employee organizations and provides necessary protection to such employees incident to legitimate activities therein. During the many years this law has been in effect, the Post Office Department's relationship with employee organizations was described as on the whole being amicable, and the Department and its representatives as being willing to discuss problems in which responsible employee organizations have an interest whenever such a discussion is requested. "Because of this," the Department's witness stated, "it is my opinion that this legislation is superfluous and its enactment would serve no useful purpose."

The Treasury Department report stressed the Department's policy—to permit employees presenting grievances to be represented by a person of their own choosing, including officers or representatives of national organizations, other unions or employee groups—

and pointed out that—

Practically all national unions have employees in the Treasury Department. This includes various crafts of the American Federation of Labor; the CIO; American Federation of Government Employees; National Federation of Federal Employees; the National Customs Association; National Association of Employees of Collectors of Internal Revenue, and others.

The Department reported that the proposed new law would grant no benefits to employee organizations that are not already enjoyed by them under present policy, that every employee has the right to—

choose his own representative, who may be a union representative, a fellow employee or an attorney—

and that—

since it would not give to employees any real benefits that they do not now have, the Department does not feel that the proposed legislation is necessary and therefore, recommends against its enactment.

The representatives of an employees' association, in a statement submitted at the hearings, declared:

The Assistant Secretary of the Treasury * * *, the Commissioner of Customs, the Assistant Commissioner of Customs, and department heads, are always willing to listen to any grievance presented to them by our association. I am happy to report that this fine example is followed, for the most part, throughout our service * * *.

The Bureau of the Budget, the Department of Defense, the Department of Justice, the Department of the Interior, and the Comptroller General all submitted reports or statements showing that existing procedures are entirely adequate so that the bill is not necessary. This unanimity of opinion against the need for this legislation on the part of officials charged with the duty of carrying on programs enacted by Congress is, I think, entitled to be given the greatest weight.

It cannot be too strongly emphasized that under present circumstances the growth of Federal employees' organizations is evidence in itself that they are treated fairly by officials of the Federal Government.

THE HIDDEN PURPOSE OF THE BILL

The ostensible purpose of this bill is to do no more than put on the statute books those benefits already being enjoyed and make them a matter of right, not sufferance. However, since as pointed out above what the bill purports to do already is being done under existing law, it is patent that the organizations seeking enactment of this bill must, therefore, have their sights set on some advantage above and beyond that which is readily apparent from the language of the bill.

This far broader and more dangerous objective emerges from careful scrutiny of the testimony given by representatives of these organizations at the hearings on the bill. The true potentialities of this legislation are brought into proper perspective by this testimony.

At one point a representative of an employees' organization said: "We earnestly hope that Congress will give employees a voice in policy changes that affect their working conditions, their health, their wages, and all other aspects that go into the day-to-day job of Government employment." At one point it was said: "There is nothing radical or even new in the thought behind H. R. 554, except that it would obligate department and agency heads to follow methods and procedures already adopted with outstanding success by private industry." This may mean the bill is the preamble to strikes, check-off of dues, the closed shop, "featherbedding" and the slow-down.

Never has this Government recognized the right of its employees to belong to organizations which would strike against the Government. This principle is well rooted in the fundamental laws of our Government and restated in virtually every appropriation bill that has been approved by the House. But of course strikes are not the only way to terrorize, demoralize, and virtually halt the operations of the Government. Harassment of administrative officials by constant demands for conferences and consultations on the thousands of grievances, some justified and some not, that are bound to develop in the administration of a Government of over 2½ million employees could well make an administrator's position intolerable. This bill proposes to require such consultations by law. The development of collective bargaining within the Federal Government—the real purpose of this bill—in some cases could be more paralyzing than a strike itself.

At one point it was said, "as a matter of fact, the Post Office Department would be the ideal agency to use as a test tube for the program contemplated by H. R. 554." Yet, in the postal service, which was a primary target of representatives of many of the employee organizations testifying on this bill, employee organizations have thrived. Of the 351,000 regular employees in the postal service, virtually everyone is a member of an employee organization. At least, some of these organizations claim 100 percent membership or have so testified before our committee. The reare 100,000 dues-paying letter carriers contributing more than one-half million dollars a year to their organization. Over 100,000 postal clerks belong to the two major postal clerk organizations. Thirty-one thousand rural letter carriers (over 100 percent membership) belong to the National Rural Letter Carriers Association. The postal transportation workers, the custodial employees and the motor vehicle operators all belong virtually to a man and pay dues to their respective organizations. What then is the motive, unless it be an ulterior one, at this late date in applying this "test tube" philosophy to an agency such as the Post Office Department which has a long record of practice admittedly fair treatment to the very people who at the hearings castigated the Department unmercifully? Veritably, this would be carrying coals to Newcastle. The only reasonable conclusion is that there is some other obscure purpose not readily apparent on the face of H. R. 554.

With such a large organized membership, it is clear that the requirement by law that officials of the Post Office Department or any other department confer on all grievances is undesirable. It can be seen that the 500,000 postal workers and their grievances could take up a great deal of the time of management at any level, and in a planned campaign of harassment make the situation intolerable.

These same organization representatives went even further. One of them said in effect that the Postmaster General's order curtailing mail deliveries in 1950 would not have been issued had this legislation, requiring consultation with employee organizations, been on the statute books. It will be recalled that the curtailment in postal service was made necessary by the terms and amounts of appropriation bills. Twice the provision has been placed before Congress to reverse the Postmaster General on this policy, and on both occasions the Postmaster General was sustained. This sort of "interference complex" by representatives of organized groups is its own best

exposé. That is an example of the unmitigated temerity which we may expect if this bill does become law. People who may not even be on duty in an agency and have no responsibility whatever for its effective operation—devoting their time instead to organizing and perhaps lobbying—nevertheless, arrogantly have served notice that they would put a stop to any administrative decision that did not suit them.

At one place, the representative of an employees' organization complained that "in the postal service this program does not admit rank and file representation on the panel to judge suggestions." He testified "you can go into the Post Office Department at any time, with your hand in your hand, of course, * * * and put forth your grievances * * *." Obviously, he feels this bill would send him into the Post Office Department with a club in his hand, since he expressed confidence "if the bill is enacted into law, that the mandate given to the departmental leaders would mean that employee representatives would have a right by law to sit around a conference table * * * and take up all matters of mutual interest" and said: "We want a part in shaping the policy of the Post Office Department." According to the testimony, it seems that "matters of mutual interest" could mean how to run the Department—a responsibility which Congress has vested in the Department alone.

Another attack on the Post Office Department went along similar lines. Previous attempts to get legislation like H. R. 554 were reviewed and some enlightening answers given. One was "I submit that the employee who does not join a union is shortsighted * * *." One, on the disadvantage of the Federal employees having no right to strike was, "We lose an economic weapon that is valuable." Another was "The bill * * * does no more than extend to the employees of the Federal Government the same rights and privileges which the Federal Government insists private employers must extend to their employees." The fair inference seems to be that an ultimate objective is to bring into the Federal Government each and every feature which characterizes labor-management relationships in private industry, regardless of how square the peg or round the hole.

As pointed out above, collective bargaining in the Federal Government is not consistent with the fundamental principle that employees cannot strike against their Government. Yet historically in private industry collective bargaining has been the forerunner of contrivances such as the strike, the closed shop, check-off of dues, use of official time, property, and personnel to carry on union activities, and the like. I cannot stand by without doing all in my power to prevent approval of legislation designed to set the stage for cramming such arrangements—repugnant as they are to the interests of the Government and the taxpayers—down the throats of administrative officers and even the Congress itself.

INTERFERENCE WITH CONGRESS

Apart and aside from all other considerations, the potentialities of this legislation to thwart, frustrate and pervert the intention of Congress fully justify its summary rejection. The legislation is not directed to the point of discussing grievances, although that is one of the reasons given, as much as it is to creating a situation whereby

major policies of departments and agencies may be circumvented, delayed, or reversed. The legislation would direct that administrative officers confer with employees' organizations on matters that are solely within the province of the Congress. Rates of pay and reductions in force are examples. In general rates of pay for all but wage board employees are set by Congress. Reductions in force are directed by curtailment in appropriations and changes in government policy pursuant to the desires of Congress. Nevertheless, such conferences would be mandatory, at the whim of the employees' organizations, notwithstanding any specific policy laid down by the Congress or adopted to carry out a program authorized by the Congress.

President Roosevelt in 1937 wrote that in the Federal Government—meticulous attention should be paid to the special relationships and obligations of public servants to the public itself and to the Government. * * * The process of collective bargaining, as usually understood, cannot be transplanted into the public service. * * * *The employer is the whole people, who speak by means of laws enacted by their representatives in Congress.*” [Emphasis supplied.]

The Comptroller General in his adverse report on H. R. 554 pointed out that—

the Government is responsible to every citizen of the United States—primarily through the duly elected representatives of such citizenry, the Congress—for good government—

and concluded with this strong statement:

I am firmly convinced that approval of this bill would result in harassment and delay in efficient administration and would result in a considerable expense to the Government with no compensating benefit. From the standpoint of public interest I can find no merit whatever in the bill and most strongly recommend against its enactment into law.

It is incongruous and unthinkable that private groups or organizations ever be clothed with statutory authority to interfere with the administration of programs enacted by the Congress as the elected representatives of the people and to disrupt the continuity of governmental operations to the detriment of the citizens and taxpayers of the country as a whole. This legislation should be brought out into the open and viewed for what it is, a weapon aimed directly at the power and authority of the legislative branch of our Government. There is no earthly reason or justification for its approval. No matter how carefully such legislation might be administered, the point is that to the extent Congress enacts such legislation it relinquishes its constitutional powers and little by little weakens its position as a part of our system of checks and balances. That position should be jealously guarded, and encroachments upon it by legislative proposals such as H. R. 554 should be vigorously attacked and beaten back.

I, for one, will never favor legislation which will place a road block across Congress exercising its right and authority.

TOM MURRAY.



